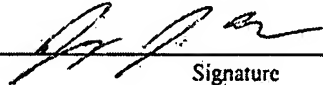


PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number: 13906-196001
I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450. Date of Deposit Signature Typed or Printed Name of Person Signing Certificate	Application Number 10/816,909	Filed April 5, 2004
	First Named Inventor Marcus Dill, et al.	
	Art Unit 2166	Examiner Leon J. Harper
	Confirmation No. 2650	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a Notice of Appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record 58,680 (Reg. No.)</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34</p> </div> <div style="width: 45%; text-align: center;">  Signature Jeremy J. Monaldo Typed or printed name (202) 783-5070 Telephone number September 10, 2007 Date </div> </div> <p style="font-size: small; margin-top: 20px;">NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p>		
<input checked="" type="checkbox"/> Total of <u>5</u> pages are submitted in addition to this Form and the Notice of Appeal.		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Marcus Dill, et al. Art Unit : 2166
Serial No. : 10/816,909 Examiner : Leon J. Harper
Filed : April 5, 2004 Conf. No. : 2650
Title : DEFINING A DATA ANALYSIS PROCESS

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Pursuant to United States Patent and Trademark Office OG Notices: 12 July 2005 - New Pre-Appeal Brief Conference Pilot Program, a request for a review of identified matters on appeal is hereby submitted with the Notice of Appeal. Review of these identified matters by a panel of examiners is requested because the rejections of record are clearly not proper and are without basis, in view of a clear legal or factual deficiency in the rejections. All rights to address additional matters on appeal in any subsequent appeal brief are hereby reserved.

Claims 1, 3-14, 17-28, and 31-34 are currently pending, of which claims 1, 7, 14, 28, and 34 are independent. Claims 1, 3-14, 17-28, and 31-34 stand rejected as being unpatentable over Nwabueze (2002/0144174) in view of Bal (2004/0164961). Applicants submit that the rejections are clearly erroneous and should be withdrawn because neither Nwabueze, Bal, nor any proper combination of the two, describes or suggests at least one feature recited in each of the claims.

1. Neither Nwabueze, Bal, nor any proper combination of the two, describes or suggests every feature of independent claims 1, 14, 28, and 34.

Claim 1 recites, *inter alia*, a data analysis display configured to display representations of sub-processes included in the data analysis process identified by a selected entry, where the displayed representations of sub-processes include a representation of a deployment sub-process for storing a created data attribute in one of a first transactional data source, a second transactional data source other than the first transactional data source, or a second analytical data source used for analytical processing. The data analysis display also is configured to display connections between the displayed sub-processes, the connections indicating a sequence with which the displayed sub-processes are performed when performing the data analysis process. The pending rejection of claim 1, over Nwabueze and Bal, is not proper at least because neither Nwabueze, Bal, nor any proper combination of the two, describes or suggests these features.

Nwabueze describes a system configured to extract, organize, format, and present data for business intelligence purposes. See Nwabueze at paragraph [0043]. As shown in Fig. 2, the

system acquires data from multiple sources, performs various processing operations on the data, and displays the processed data to a customer. See Nwabueze at paragraphs [0048]-[0056]. Nwabueze, however, does not display representations of sub-processes or connections between the displayed sub-processes. Instead, Nwabueze is directed to displaying processed data as output of a data process rather than displaying a representation of sub-processes included in the data process. Applicants submit that the output data described in Nwabueze does not display a representation of sub-processes included in a data analysis process, nor does the output data display connections between the sub-processes indicating a sequence with which the sub-processes are performed. Therefore, Nwabueze fails to describe or suggest a data analysis display configured to display representations of sub-processes included in the data analysis process identified by a selected entry, where the displayed representations of sub-processes include a representation of a deployment sub-process for storing a created data attribute in one of a first transactional data source, a second transactional data source other than the first transactional data source, or a second analytical data source used for analytical processing, as recited in claim 1. Moreover, Nwabueze fails to describe or suggest that the data analysis display is further configured to display connections between the displayed sub-processes, the connections indicating a sequence with which the displayed sub-processes are performed when performing the data analysis process, as also recited in claim 1. Notably, the Examiner admits that Nwabueze fails to describe or suggest these features and relies on Bal. See final Office Action of at pages 4-5.

Bal fails to remedy the deficiencies of Nwabueze. Specifically, the final Office action cites FIGS. 10a-10c of Bal in rejecting these features. See final Office Action at page 5. None of FIGS. 10a-10c of Bal, however, displays representations of sub-processes included in a data analysis process identified by a selected entry, where the displayed representations of sub-processes include a representation of a deployment sub-process for storing a created data attribute in one of a first transactional data source, a second transactional data source other than the first transactional data source, or a second analytical data source used for analytical processing, as recited in claim 1. Nor do FIGS. 10a-10c of Bal display connections between the displayed sub-processes, the connections indicating a sequence with which the displayed sub-processes are performed when performing the data analysis process, as also recited in claim 1.

In contrast, FIGS. 10a-10c of Bal show various screen displays that may be presented to a user of a data download and analytics engine. See Bal at paragraph [0043]. For instance, FIG. 10a of Bal shows a screen display that enables a user to input a request to search for a corporation of interest, FIG. 10b of Bal shows a screen display that enables a user to query data related to the financial assets of the searched corporation, and FIG. 10c of Bal shows a screen display that may be presented to a user after the user enters the data present in the screen shot of FIG. 10b of Bal. See Bal at paragraphs [0044]-[0046]. As such, Bal fails to describe or suggest a data analysis display configured to (1) display representations of sub-processes included in a data analysis process and (2) display connections between the displayed sub-processes that indicate a sequence with which the displayed sub-processes are performed when performing the data analysis process. Rather, the displays show interface elements that enable a user to enter input to perform a query and a chart showing output data resulting from performing the query.

In the Advisory action, the Examiner appears to refer to the output data resulting from performing a query for the identified features. However, for reasons similar to the failures discussed above with respect to the output data displayed in Nwabueze, the chart showing output data resulting from performing a query does not display a representation of sub-processes included in a data analysis process, nor does the chart display connections between the sub-processes indicating a sequence with which the sub-processes are performed.

Accordingly, for at least the reasons discussed above, Applicants submit the Examiner has failed to make a proper rejection because neither Nwabueze, Bal, nor any proper combination of the two, describes or suggests a data analysis display configured to display representations of sub-processes included in the data analysis process identified by a selected entry, where the displayed representations of sub-processes include a representation of a deployment sub-process for storing a created data attribute in one of a first transactional data source, a second transactional data source other than the first transactional data source, or a second analytical data source used for analytical processing, as recited in claim 1. Applicants also submit that neither Nwabueze, Bal, nor any proper combination of the two, describes or suggests that the data analysis display is further configured to display connections between the displayed sub-processes, the connections indicating a sequence with which the displayed sub-processes are performed when performing the data analysis process, as also recited in claim 1.

Therefore, for at least these reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of independent claim 1 and its dependent claims 3-6.

Claims 14, 28, and 34, recite, *inter alia*, receiving (claim 14) or a computer program product (claim 28) or a processor (claim 34) configured to receive multiple sub-process user inputs, each sub-process user input identifying a sub-process associated with the data analysis process, where at least one of the identified sub-processes is a deployment sub-process for storing a data attribute created in another of the identified sub-processes in one of the first transactional data source, a second transactional data source other than the first transactional data source, or a second analytical data source used for analytical processing. As described above, neither Nwabueze, Bal, nor a proper combination of the two, describes or suggests a data analysis display configured to display representations of sub-processes included in the data analysis process identified by the selected entry, where the displayed representations of sub-processes include a representation of a deployment sub-process for storing the created data attribute in one of the first transactional data source, a second transactional data source other than the first transactional data source, or a second analytical data source used for analytical processing. Therefore, Nwabueze, Bal, or any proper combination of the two, also fails to describe or suggest receipt of multiple sub-process user inputs, each sub-process user input identifying a sub-process associated with the data analysis process, where at least one of the identified sub-processes is a deployment sub-process for storing a data attribute created in another of the identified sub-processes in one of the first transactional data source, a second transactional data source other than the first transactional data source, or a second analytical data source used for analytical processing. For at least these reasons, Applicants submit that the rejections of claims 14, 28, and 34 and their dependent claims are not proper.

2. Neither Nwabueze, Bal, nor any proper combination of the two, describes or suggests every feature of independent claim 7.

Claim 7 recites, *inter alia*, a common data display for receiving an entry of selected meta-data elements to be used in a data analysis process wherein each meta-data element is associated with a corresponding data element in a data source and with a corresponding data element in an analytical processing data source. Neither Nwabueze, Bal, nor any proper combination of the two, describes or suggests this feature.

In particular, the final Office action indicates that Nwabueze does not explicitly describe a common data display for receiving an entry of selected meta-data elements to be used in a data

analysis process wherein each meta-data element is associated with a corresponding data element in a data source and with a corresponding data element in an analytical processing data source.

See final Office action at pages 7-8. For this feature, the final Office action relies on Bal.

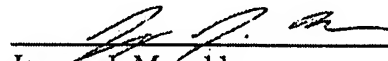
Specifically, the Examiner cites paragraph [0002] of Bal and states "note: other types of information collected." See final Office action at page 8. Paragraph [0002] of Bal describes that financial analysts analyze "many of the publicly available sources of financial information" and lists examples of publicly available sources of financial information. The financial information and financial information sources described in Bal, however, do not represent meta-data elements to be used in a data analysis process where each meta-data element is associated with a corresponding data element in a data source and with a corresponding data element in an analytical processing data source. Merely noting that a reference describes "other types of information collected" is insufficient to reject a claim that recites a common data display for receiving an entry of selected meta-data elements to be used in a data analysis process wherein each meta-data element is associated with a corresponding data element in a data source and with a corresponding data element in an analytical processing data source. Because neither Nwabueze, Bal, nor a proper combination of the two, describes or suggests these features, Applicants respectfully submit that the Examiner has failed to make a proper rejection of independent claim 7 and its dependent claims 8-13.

3. Conclusion and Relief.

For at least the reasons noted above, the rejections of record are clearly improper and without basis. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 9/10/2007



Jeremy J. Monaldo
Reg. No. 58,680

Customer No.: 32864
Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331
40443681.doc